

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

Samuel Calderon, et al.,)	Civil Action No.: 8:10-cv-01958 RWT
individually and on behalf of other)	
similarly situated individuals,)	
)	
Plaintiffs,)	
)	
v.)	
)	
GEICO General Insurance Company, et al.,)	
)	
Defendants.)	

DECLARATION OF MATTHEW H. MORGAN

I, Matthew H. Morgan, hereby declare:

1. I am a partner with the law firm of Nichols Kaster, PLLP, and am counsel for Plaintiffs in the above-captioned matter.
2. I make this Declaration in support of Plaintiffs' Memorandum of Law in Support of Plaintiffs' Motion for Partial Summary Judgment based on my personal knowledge and information concerning this case.
3. My staff mailed the Court-approved FLSA judicial notice and consent to join form to the putative opt-in Plaintiffs on January 26, 2011.
4. By the end of the notice period, forty-eight (48) current and former Special Investigators employed by Defendant joined this case by returning signed consent to join forms to my office. My office filed all of these forms with the Court as we received them. One Plaintiff, Michael Shane Brown, later withdrew his opt-in form and is thus no longer a part of the case. See ECF No. 79.

5. My staff mailed the Court-approved New York Rule 23 class notice to the putative Rule 23 class members on March 16, 2012.

6. By the end of the opt-out period, five (5) of the seventy-five (75) New York Special Investigators employed by Defendant returned exclusion request forms to my office. My office emailed these forms to Counsel for Defendant on May 7, 2012.

7. I am counsel for the plaintiffs in Foster v. Nationwide, No. 2:08-cv-020 (S.D. Ohio). On January 24, 2012, the Foster plaintiffs filed a notice of appeal of the Foster court's January 5, 2012 trial order. On May 1, 2012, the Foster plaintiffs filed their appellate brief with the United States Court of Appeals for the Sixth Circuit. The appellate case number is 12-3107.

8. Attached hereto are true and correct copies of the following:

- Exhibit 1: PowerPoint presentation titled "The Claims Process," NKA0001254-1295 (filed under seal);¹
- Exhibit 2: Declaration of John W. Pham dated July 21, 2010 and submitted by GEICO in support of its Motion for Summary Judgment in Harper v. GEICO, No. 09-cv-2254 (E.D.N.Y.);
- Exhibit 3: SIU Case Management System (SICM) User's Manual, GEICO.000586-613 (filed under seal);
- Exhibit 4: SIU Administration & Operations (A & O) Manual, GEICO.000469-526 (filed under seal);
- Exhibit 5: PowerPoint presentation titled "GEICO's Standard/SICM Report Writing Guidelines," GEICO.000564-585;
- Exhibit 6: PowerPoint presentation titled "Examination Under Oath Training," GEICO.000405-432;
- Exhibit 7: Memorandum dated November 5, 2009 containing Examination Under Oath scripts, GEICO.000433-454;

¹ This document, among others, was produced by Defendant on December 29, 2010 on a CD-ROM titled "SIU Academy - Confidential" with a single bates label, GEICO.000401. The documents contained on the CD were not individually bates labeled by Defendant. For ease of reference, Plaintiffs refer to the Court to Plaintiffs' bates labels.

- Exhibit 8: Memorandum dated May 1, 2010 titled "SIU Report Writing Structure & Format," GEICO.000614-625;
- Exhibit 9: Memorandum dated March 1, 2009 titled "SIU Report Writing Structure & Format," GEICO.000555-562;
- Exhibit 10: Memorandum dated January 1, 2009 titled "SIU Report Writing Structure & Format," GEICO.000166-177 (filed under seal);
- Exhibit 11: Memorandum dated February 26, 2010 titled "Standard Operating Procedure #004 and SIU File Audit Guide 2010," GEICO.000114-128;
- Exhibit 12: Memorandum dated November 11, 2009 titled "SIU File Audit Guide 2010," GEICO.000456-468;
- Exhibit 13: Memorandum dated February 17, 2010 titled "Standard Operating Procedure #10-002 and Limited Self Approval of Investigative Reports," GEICO.000110-111;
- Exhibit 14: Memorandum dated October 22, 2009 titled "Region 2 2009 Performance Review," GEICO.000634-641;
- Exhibit 15: Memorandum dated June 23, 2009 titled "Region 4 TU 2009 Performance Review," GEICO.000642-648;
- Exhibit 16: Memorandum dated July 30, 2009 titled "Region 6 2009 Performance Review," GEICO.000649-655;
- Exhibit 17: SIU Case Report, NKA0012435-12438 (filed under seal);²
- Exhibit 18: SIU Case Report, NKA0011257-11275 (filed under seal);
- Exhibit 19: Declaration of Plaintiff Thomas Brady;
- Exhibit 20: Declaration of Plaintiff Candido Cubero;
- Exhibit 21: Declaration of Plaintiff John Halliday;

² Defendant produced reports from a number of SIU files on a USB thumb drive, including Exhibits 17 and 18. The documents contained on this drive were not bates labeled by Defendant but the letter accompanying the drive indicated that Defendant considered them to be "Confidential – For Attorneys' Eyes Only." For ease of reference, Plaintiffs refer to the Court to Plaintiffs' bates labels.

- Exhibit 22: Declaration of Plaintiff Michael Headley;
- Exhibit 23: Declaration of Plaintiff Joseph Miles;
- Exhibit 24: Declaration of Plaintiff Michael Russell;
- Exhibit 25: Declaration of Plaintiff Patrick Weise;
- Exhibit 26: Transcript of April 29, 2011 Deposition of Plaintiff Samuel Calderon;
- Exhibit 27: Transcript of April 29, 2011 Deposition of Michael College;
- Exhibit 28: Transcript of July 8, 2011 Deposition of Sharyl Derenthal;
- Exhibit 29: Transcript of July 7, 2011 Deposition of Plaintiff Thomas Fitzgerald;
- Exhibit 30: Transcript of May 3, 2012 Deposition of Gary Hodge;
- Exhibit 31: Transcript of April 28, 2011 Deposition of Donald Marine;
- Exhibit 32: Transcript of April 27, 2011 Deposition of Nancy Pierce;
- Exhibit 33: Transcript of November 19, 2010 Rule 30(b)(6) Deposition of Steven Rutzebeck; and
- Exhibit 34: Transcript of April 29, 2011 Personal Deposition of Steven Rutzebeck.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 11th day of May, 2012.

/s/ _____
Matthew H. Morgan